SBCivil Writ Petition No.4037/2005

Vijay Mal Ostwal
Vs.
State of Rajasthan & Ors.

Date of Order :: 3rd October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.K.Lohra, for the petitioner.
Mr. B.L.Tiwari, Dy..Govt.Advocate.

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The petitioner, a retired government servant while visiting Ahmedabad suffered with severe chest pain on 4.5.2004, therefore, he was taken to Sterling Hospital, Ahmedabad and was subjected to Coronary Artery bypass surgery on 6.5.2004. In undergoing such surgery an expenses of Rs.1,49,057/- incurred and the petitioner claimed the same from Government of Rajasthan. The expenses so incurred has not been reimbursed by Government of Rajasthan on the count that Sterling Hospital, Ahmedabad is not a hospital enlisted in the approved list of Government of Rajasthan. Being aggrieved by the same, this petition for writ is preferred.

In reply to the writ petition the respondents have reiterated that Sterling Hospital, Ahmedabad being not included in the list of recognised hospitals outside State of Rajasthan under the Rajasthan Civil Services (Medical Attendance) Rules, 1970, therefore, the petitioner is not entitled to get reimbursement for medical expenses claimed by him.

This Court in the case of Mandal Dutt Purohit v. State of Rajasthan & Ors., SBCivil Writ Petition No.5683/2005, decided on 3.10.2006, held as under:-

> "It shall be highly unjust to expect from a person battling for life to proceed for a hospital recognised by the Government of Rajasthan for getting the medical expenses reimbursed. The prime consideration in such situation is to bring the life in safe zone, beyond the cost consideration. The government has provided statutory medical benefits including reimbursement of expenses incurred in treatment. The main object behind it is to extend a helping hand to its employees suffering ailment, the place of treatment is a secondary consideration. If the reimbursement is made absolutely dependent to the place of treatment then it shall not only be arbitrary but shall also be contrary to the fundamental right for protection of life."

In the instant matter also the petitioner suffered with a cardiac ailment while visiting Ahmedabad and was subjected to emergent surgery. In such circumstances it was not possible for the petitioner to approach a hospital enlisted in the approved list made by Government of Rajasthan. It cannot be expected from a person concurring with the life to visit a hospital enlisted by Government of Rajasthan as approved hospital at the cost of his

life. The respondents, therefore, illegally denied the reimbursement to the medical expenses to the petitioner.

Accordingly, this petition for writ is allowed. The respondents are directed to reimburse the medical expenses incurred in undergoing coronary artery bypass surgery at Sterling Hospital, Ahmedabad on 6.5.2004. The payment of medical expenses in the terms above is required to be paid to the petitioner within a period of three months from today.

(GOVIND MATHUR),J.

kkm/ps.